

REMARKS

The Examiner is thanked for taking the time to discuss the application, including the proposed amendments to claims 36 and 37, with the undersigned on June 4, 2004.

The present amendment instructs revision of independent claims 36 and 37 in the same manner proposed to and discussed with the Examiner. More particularly, the independent claims have been revised in a sincere attempt patentably to distinguish the claimed invention over the cited art. In recent prosecution of the case, the Examiner had expressed her concern that the recessed portion of the claimed container did not define a structure patentably different from what one could say what was shown in the primary reference to Ishikawa et al. '912. The independent claims now have been changed to state that the recessed portion "starts around the free edge of the hinged lid and terminates at the portion of the side wall on the side of the free edge of the hinged lid." This structure is clearly supported in the application in at least Figs. 1 and 9 and the related discussion in the specification. Ishikawa et al. '912, in contrast, as pointed out to the Examiner during the interview of June 4, 2004, has a recessed portion that starts around the

free edge of the hinged lid and terminates at a portion of the side wall on the opposite side of the free edge of the hinged lid. The Examiner is referred to the enclosed marked up Fig. 1 of Ishikawa et al. '912. The portion designed as B is not the recessed portion called for in applicants' claims.

The rejection of claims 4, 6, 8, 9, 11 to 13, 15 to 32, and 34 to 37 under 35 USC 103 as unpatentable over Ishikawa et al. '912 in view of JP '940 and JP '980, the rejection of claim 5 under 35 USC 103 as unpatentable over Ishikawa et al. '912 in view of JP '940 and JP '980 further in further of Ostrowsky et al. '747, the rejection of claim 7 under 35 USC 103 as unpatentable over Ishikawa et al. '912 in view of JP '940 and JP '980 further in view of Mejias '774, the rejection of claim 10 under 35 USC 103 as unpatentable over Ishikawa et al. '912 in view of JP '940 and JP '980 further in view of Holzkopf '452, the rejection of claim 14 under 35 USC 103 as unpatentable over Ishikawa et al. '912 in view of JP '940 and JP '980 further in view of Behrend '946 and Guojon '088, and the rejection of claim 33 under 35 USC 103 as unpatentable over Ishikawa et al. '912 in view of JP '940 and JP '980 further in view of Behrend '946 and Guojon '088 are respectfully traversed.

It is respectfully submitted that the claims finally rejected and the claims as amended patentably define over the cited references. Applicants stand by the arguments for patentability found in the Amendment Under 37 CFR 1.111 filed October 10, 2003. The claims additionally patentably define over the art in view of the above-discussed changes to the independent claims.

Applicants also respectfully disagree with the Examiner's characterization in the Response to Arguments section of the Final Rejection regarding what the secondary references can be interpreted to teach because the Examiner's position is contrary to what the references themselves state.

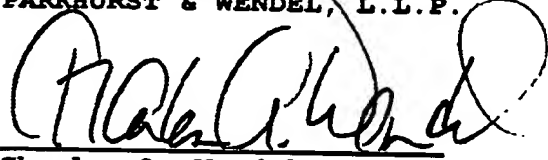
In view of the foregoing revisions and remarks, it is respectfully submitted that claims 4 to 37 are in immediate condition for allowance and a USPTO paper to those ends is earnestly solicited.

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The Examiner is requested to telephone the undersigned if additional changes are required in the case prior to allowance.

Respectfully submitted,

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Enclosure:

Marked up Fig. 1 of
Ishikawa et al. '912

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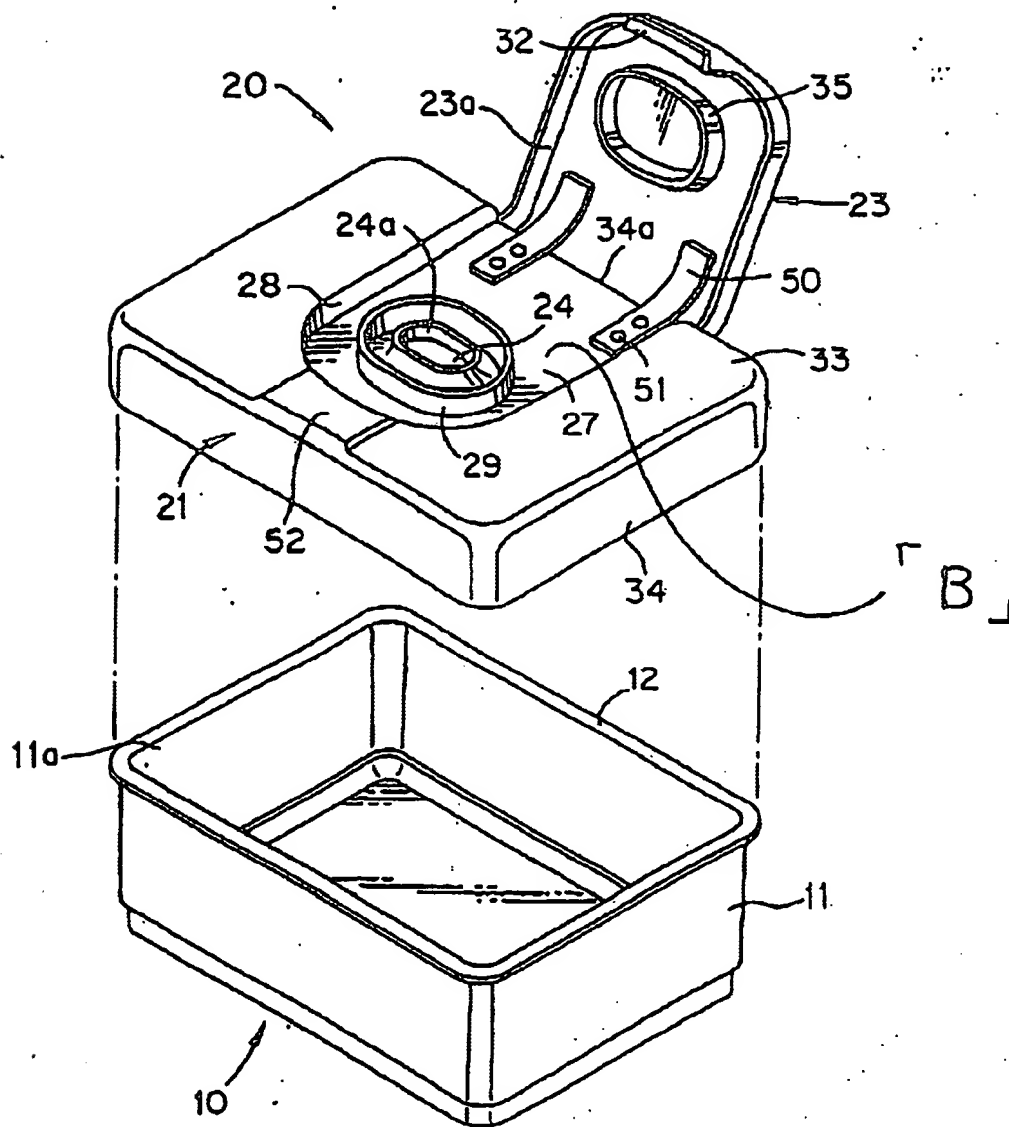


FIG. 1